REMARKS

The specification was objected to because it contained an embedded hyperlink. The hyperlink has been eliminated with the amendment to the specification on page 2, line 21.

The drawings were objected to because there was no indication as to what "CAA" meant in Fig. 4. CAA is a well know acronym in the art for Civil Aviation Authority. An appropriate revision to Fig. 4 is being submitted to replace the acronym "CAA" with "Civil Aviation Authority". A red line version of Fig. 4 is attached along with a replacement Fig. 4.

The claims were objected to because the acronym "DSP" was not defined. Appropriate revisions to the claims have been made to obviate the objection.

Claims 8 and 9 were objected to because of the word "tagging" which was not used in claim 1. Claims 8 and 9 have been amended to replace the word "tagging" with "providing a unique prioritization tag" which has an antecedent basis in claim 1.

The present invention is a system for routing each individual digital message based on criteria defined by the user and each message receiving a prioritization tag based on the criteria defined by the individual user.

Claims 1, 4-14 and 16-18 were rejected under 35 USC § 102(b) as being anticipated by Iwata. Iwata patent teaches the routing of a string pf messages, which have criteria assigned to them (QoS parameters), based on these criteria a route is selected and a test message is sent to confirm the criteria are met. If it works, the route is defined. If it doesn't, a second route is selected based on a database, and so on. The presently claimed invention is very different since it creates a prioritization tag, which is attached to each individual message (messages may be identical but sent at different times with resultant different priorities). Using these tags, routes are automatically chosen based on the criteria specified in the digital tag. This means that similar messages will in fact be sent over different routes based on what routes are available at any given time and the prioritization tag. Each

individual message will be tagged with a potentially different priority even though the message may be identical to a recent message. The Iwata patent implies the route for a message remains generally constant. The present invention envisions available networks, which are continually changing both in characteristics and availability.

In the second paragraph of Iwata's Summary of the Invention, four things are listed that the patent teaches. All of these are specific to the network itself. These include (a) the path to destination, (b) "signaling" message to verify QoS, (c) a second path if the first doesn't meet the expected level of QoS, and (d) is the same as (b) for the second path. The present invention adds a software "tag" to a message which defines the priority, the addition of "overlay" software on appropriate equipment to read the "tag" and determine which route best meets the prioritization needs of the message. The present invention does not choose how a message is delivered within the route/network (this is what Iwata is focused on) but which route/network, as advertised, best meets the tagged criteria. Thus, the systems are significantly different.

In order to more clearly set out the features of the present invention, independent claims 1 and 14 have been amended to claim an individual digital message and to further define the unique prioritization tag, which includes user chosen routing priority criteria. This amendment further distinguishes the present invention from Iwata, which does not disclose or imply these features. The remaining claims in this rejection are dependent claims and due to the allowablity of the independent claims, these claims are also allowable.

Claims 2, 3 and15 were rejected under 35 USC § 103(a) as being unpatentable over Itawa in view of Harper. Iwata was extensively discussed above. Harper is focused on how a network is used. Specifically it talks about locating bottlenecks and taking action based on these bottlenecks. The claims of the present application are specifically written about tagging a message with a prioritization. The tag will then be the determinant of which available network will be used. It has nothing to do with the network itself, only the promised attributes of a given network which are then matched against the tagged priority. The Harper patent is more focused on how the network itself works (loading, switching, bottlenecks,

switching nodes, monitoring, etc.), in particular it focuses network node structure and use. For example, how an accounting node can generate a control message. Further, these claims are dependent claims and due to the allowablity of the independent claims, these claims are also allowable.

Having responded to each and every objection and rejection raised by the Examiner, it is believed that the patent application is now in condition for allowance, and such allowance is respectfully requested. If the Examiner has any questions or suggestions for expediting an allowance in this matter, the Examiner is invited to call the undersigned collect.

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Date: January 13, 2004

Respectfully submitted,

RALPH COLEMAN HEDDEN

By: _____
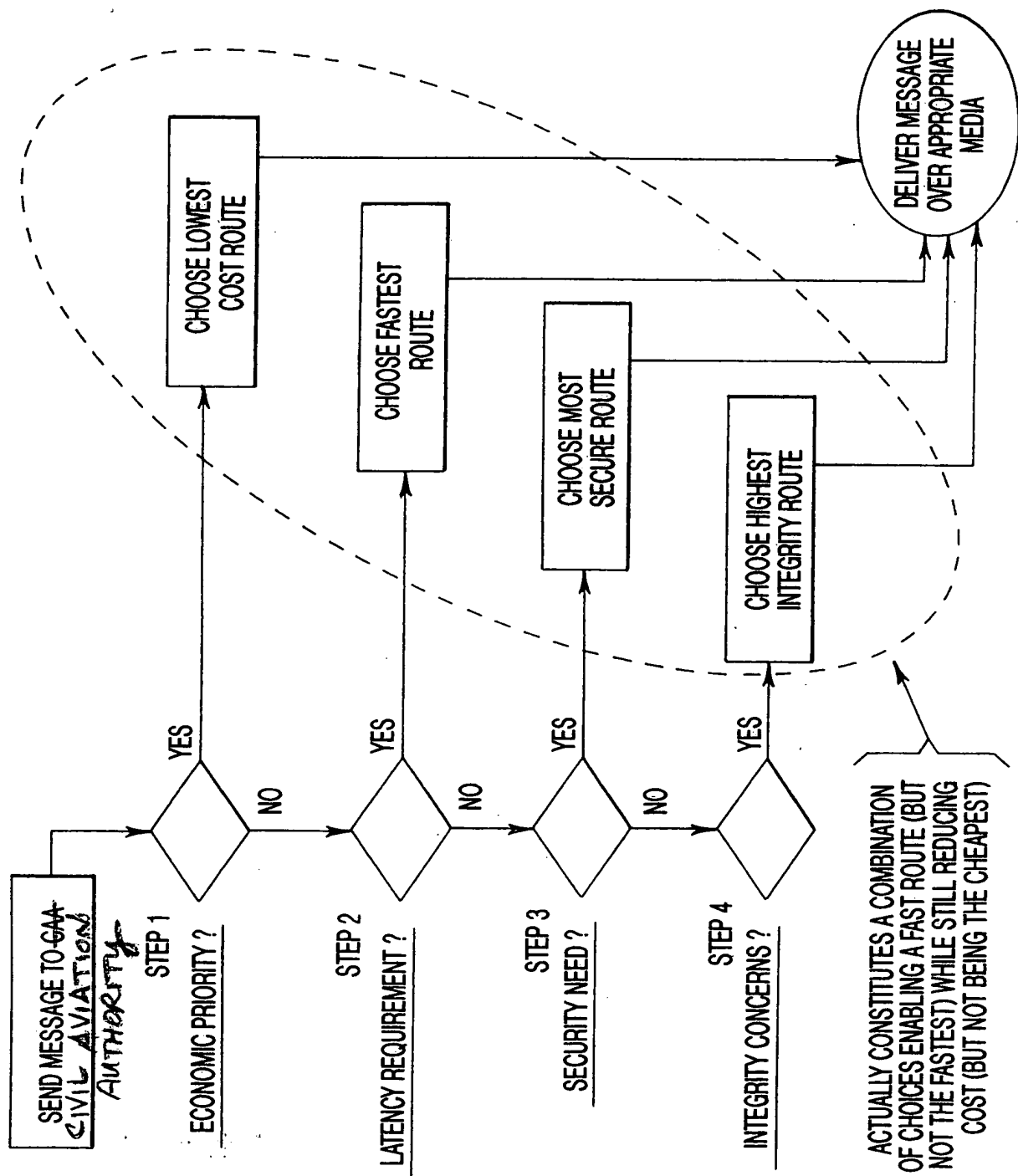Dennis F. Armijo
Registration No. 34,116

REDLINE DRAWING

SEND MESSAGE TO GAA
CIVIL AVIATION
AUTHORITY

STEP 1
ECONOMIC PRIORITY ?

YES → CHOOSE LOWEST COST ROUTE

NO

STEP 2
LATENCY REQUIREMENT ?

YES → CHOOSE FASTEST ROUTE

NO

STEP 3
SECURITY NEED ?

YES → CHOOSE MOST SECURE ROUTE

NO

STEP 4
INTEGRITY CONCERNS ?

YES → CHOOSE HIGHEST INTEGRITY ROUTE

DELIVER MESSAGE OVER APPROPRIATE MEDIA

ACTUALLY CONSTITUTES A COMBINATION OF CHOICES ENABLING A FAST ROUTE (BUT NOT THE FASTEST) WHILE STILL REDUCING COST (BUT NOT BEING THE CHEAPEST)

FIG-4